



**STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.**

ATTORNEYS AT LAW

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\*LIMITED TO MATTERS  
AND PROCEEDINGS BEFORE  
FEDERAL COURTS & AGENCIES  
\*\*REGISTERED PATENT AGENT  
\*\*\*SENIOR COUNSEL

July 24, 2001

**WRITER'S DIRECT NUMBER:**  
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**INTERNET ADDRESS:**  
KPATTERS@SKGF.COM

Commissioner for Patents  
Washington, D.C. 20231

**Box Missing Parts**

Re: U.S. Patent Application  
Appl. No. 09/783,404; Filed: February 15, 2001  
For: **Method, System and Computer Program Product for  
Scheduling Upstream Communications**  
Inventors: Sala *et al.*  
Our Ref: 1875.0440002

Sir:

In reply to the "Notice to File Missing Parts of Application--Filing Date Granted," dated May 24, 2001, Applicants submit the following documents for appropriate action by the U.S. Patent and Trademark Office:

1. PTO Fee Transmittal Form PTO/SB/17 (*in duplicate*);
2. Copy of the Notice to File Missing Parts;
3. Original Declaration, executed by the inventors;
4. Letter to Draftsman;
5. 4 sheets of formal drawings, approval of which is respectfully requested;
6. Preliminary Amendment Under 37 C.F.R. § 1.115;

Commissioner for Patents  
July 24, 2001  
Page 2

- (a) Corrected Drawing, approval of which is respectfully requested;
- (b) Marked-up Drawing showing changes in Corrected Drawing;

- 7. Our Check No. 31990 for \$840.00 to cover:  
\$710.00 filing fee; and  
\$130.00 surcharge for late filing of Declaration (37 C.F.R. § 1.16); and
- 8. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. If extensions of time under 37 C.F.R. § 1.136 other than those otherwise provided for herewith are required to prevent abandonment of the present patent application, then such extensions of time are hereby petitioned, and any fees therefor are hereby authorized to be charged to our Deposit Account No. 19-0036. A duplicate copy of this letter is enclosed.

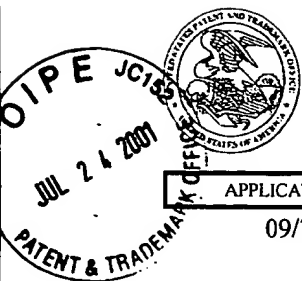
Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Kendrick P. Patterson  
Attorney for Applicants  
Registration No. 45,321

KPP/dnk  
Enclosures



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/783,404	02/15/2001	Dolors Sala	1875.0440002

CONFIRMATION NO. 4785

26111  
STERNE, KESSLER, GOLDSTEIN & FOX PLLC  
1100 NEW YORK AVENUE, N.W., SUITE 600  
WASHINGTON, DC 20005-3934

## FORMALITIES LETTER



\*OC000000006113474\*

Date Mailed: 05/24/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 840.**

*A copy of this notice **MUST** be returned with the reply.*

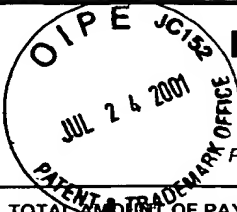
  
Customer Service Center

Initial Patent Examination Division (703) 308-1202


PART 2 - COPY TO BE RETURNED WITH RESPONSE

07/26/2001 AZERGAH1 00000022 09783404  
01 FC:101  
02 FC:105  
710.00 DP  
130.00 DP

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

 <h2 style="margin: 0;">FEE TRANSMITTAL for FY 2001</h2> <p style="margin: 0;">Patent fees are subject to annual revision.</p>		<b>Complete if Known</b>	
		Application Number	09783,404
		Filing Date	February 15, 2001
		First Named Inventor	Dolors Sala
		Examiner Name	To Be Assigned
		Group Art Unit	2661
TOTAL AMOUNT OF PAYMENT		(\$840.00)	
Attorney Docket No.		1875.0440002	

METHOD OF PAYMENT (check one)	FEE CALCULATION (continued)																																																																																																	
<p>1. <input type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">Deposit Account Number</td> <td>19-0036</td> </tr> <tr> <td>Deposit Account Name</td> <td>Sterne, Kessler, Goldstein &amp; Fox P.L.L.C.</td> </tr> </table> <p><input type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17</p> <p><input type="checkbox"/> Applicant claims small entity status See 37 CFR 1.27</p> <p>2. <input checked="" type="checkbox"/> Payment Enclosed:</p> <p><input checked="" type="checkbox"/> Check   <input type="checkbox"/> Credit card   <input type="checkbox"/> Money Order   <input checked="" type="checkbox"/> Other*</p> <p><small>*Charge any deficiencies or credit any overpayments in the fees or fee calculations of Parts 1, 2 and 3 below to Deposit Account No. 19-0036.</small></p>	Deposit Account Number	19-0036	Deposit Account Name	Sterne, Kessler, Goldstein & Fox P.L.L.C.	<p>3. ADDITIONAL FEES</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Large Entity</th> <th>Small Entity</th> <th></th> </tr> </thead> <tbody> <tr> <td>Fee Code</td> <td>Fee Code</td> <td>Fee Description</td> </tr> <tr> <td>Fee (\$)</td> <td>Fee (\$)</td> <td>Fee paid</td> </tr> <tr> <td>105</td> <td>130</td> <td>205 65 Surcharge - late filing fee or oath</td> </tr> <tr> <td>127</td> <td>50</td> <td>227 25 Surcharge - late provisional filing fee or cover sheet</td> </tr> <tr> <td>139</td> <td>130</td> <td>139 130 Non-English specification</td> </tr> <tr> <td>147</td> <td>2,520</td> <td>147 2,520 For filing a request for <i>ex parte</i> reexamination</td> </tr> <tr> <td>112</td> <td>920*</td> <td>112 920* Requesting publication of SIR prior to Examiner action</td> </tr> <tr> <td>113</td> <td>1,840*</td> <td>113 1,840* Requesting publication of SIR after Examiner action</td> </tr> <tr> <td>115</td> <td>110</td> <td>215 55 Extension for reply within first month</td> </tr> <tr> <td>116</td> <td>390</td> <td>216 195 Extension for reply within second month</td> </tr> <tr> <td>117</td> <td>890</td> <td>217 445 Extension for reply within third month</td> </tr> <tr> <td>118</td> <td>1,390</td> <td>218 695 Extension for reply within fourth month</td> </tr> <tr> <td>128</td> <td>1,890</td> <td>228 945 Extension for reply within fifth month</td> </tr> <tr> <td>119</td> <td>310</td> <td>219 155 Notice of Appeal</td> </tr> <tr> <td>120</td> <td>310</td> <td>220 155 Filing a brief in support of an appeal</td> </tr> <tr> <td>121</td> <td>270</td> <td>221 135 Request for oral hearing</td> </tr> <tr> <td>138</td> <td>1,510</td> <td>138 1,510 Petition to institute a public use proceeding</td> </tr> <tr> <td>140</td> <td>110</td> <td>240 55 Petition to revive - unavoidable</td> </tr> <tr> <td>141</td> <td>1,240</td> <td>241 620 Petition to revive - unintentional</td> </tr> <tr> <td>142</td> <td>1,240</td> <td>242 620 Utility issue fee (or reissue)</td> </tr> <tr> <td>143</td> <td>440</td> <td>243 220 Design issue fee</td> </tr> <tr> <td>144</td> <td>600</td> <td>244 300 Plant issue fee</td> </tr> <tr> <td>122</td> <td>130</td> <td>122 130 Petitions to the Commissioner</td> </tr> <tr> <td>123</td> <td>130</td> <td>123 130 Petitions related to provisional applications</td> </tr> <tr> <td>126</td> <td>180</td> <td>126 180 Submission of Information Disclosure Stmt</td> </tr> <tr> <td>581</td> <td>40</td> <td>481 40 Recording each patent assignment per property (times number of properties)</td> </tr> <tr> <td>146</td> <td>710</td> <td>246 355 Filing a submission after final rejection (37 CFR 1.129(a))</td> </tr> <tr> <td>149</td> <td>710</td> <td>249 355 For each additional invention to be examined (37 CFR 1.129(b))</td> </tr> <tr> <td>179</td> <td>710</td> <td>279 355 Request for Continued Examination (RCE)</td> </tr> <tr> <td>169</td> <td>900</td> <td>169 900 Request for expedited examination of a design application</td> </tr> </tbody> </table> <p>Other fee (specify) : _____</p> <p>Other fee (specify) : _____</p> <p>*Reduced by Basic Filing Fee Paid</p>	Large Entity	Small Entity		Fee Code	Fee Code	Fee Description	Fee (\$)	Fee (\$)	Fee paid	105	130	205 65 Surcharge - late filing fee or oath	127	50	227 25 Surcharge - late provisional filing fee or cover sheet	139	130	139 130 Non-English specification	147	2,520	147 2,520 For filing a request for <i>ex parte</i> reexamination	112	920*	112 920* Requesting publication of SIR prior to Examiner action	113	1,840*	113 1,840* Requesting publication of SIR after Examiner action	115	110	215 55 Extension for reply within first month	116	390	216 195 Extension for reply within second month	117	890	217 445 Extension for reply within third month	118	1,390	218 695 Extension for reply within fourth month	128	1,890	228 945 Extension for reply within fifth month	119	310	219 155 Notice of Appeal	120	310	220 155 Filing a brief in support of an appeal	121	270	221 135 Request for oral hearing	138	1,510	138 1,510 Petition to institute a public use proceeding	140	110	240 55 Petition to revive - unavoidable	141	1,240	241 620 Petition to revive - unintentional	142	1,240	242 620 Utility issue fee (or reissue)	143	440	243 220 Design issue fee	144	600	244 300 Plant issue fee	122	130	122 130 Petitions to the Commissioner	123	130	123 130 Petitions related to provisional applications	126	180	126 180 Submission of Information Disclosure Stmt	581	40	481 40 Recording each patent assignment per property (times number of properties)	146	710	246 355 Filing a submission after final rejection (37 CFR 1.129(a))	149	710	249 355 For each additional invention to be examined (37 CFR 1.129(b))	179	710	279 355 Request for Continued Examination (RCE)	169	900	169 900 Request for expedited examination of a design application
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<b>SUBMITTED BY</b>		<b>Complete (if applicable)</b>	
Name (Print/Type)	Kendrick P. Patterson	Registration No. (Attorney/Agent)	45,321
Signature		Telephone	202-371-2600
		Date	7/24/2001

#3



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Sala *et al.*

Appl. No. 09/783,404

Filed: February 15, 2001

For: **Method, System and Computer  
Program Product for Scheduling  
Upstream Communications**

Art Unit: 2661

Examiner: To Be Assigned

Atty. Docket: 1875.0440002

**Letter to PTO Draftsman: Submission of Formal Drawings**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Submitted herewith are four (4) sheets of formal drawings with Figures 1-4, corresponding to the informal drawings submitted with the above-captioned application. Identification of the drawings is provided in accordance with 37 C.F.R. § 1.84(c). Acknowledgment of the receipt, approval, and entry of these formal drawings into this application is respectfully requested.

It is not believed that an extension of time is required, other than any already provided herewith. However, if an extension of time is needed to prevent abandonment of the application, then such extension of time is hereby petitioned. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this Letter is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Kendrick P. Patterson  
Attorney for Applicants  
Registration No. 45,321

Date: 7/24/2001

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